

## REMARKS/ARGUMENTS

In the Office Action mailed April 14, 2009, claims 1, 4, 7, 9, and 10 were rejected. Additionally, claim 8 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

### Allowable Subject Matter

Applicants appreciate the Examiner's review of the claims and determination that claim 8 recites allowable subject matter. In particular, the Office Action states that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additionally, while the Office Action provides a statement of reasons for the indication of allowable subject matter, the statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicants note that the comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

### Claim Rejections under 35 U.S.C. 103

Claims 1-7, 9, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matero (U.S. Pat. No. 6,215,988, hereinafter Mater) in view of Van Rooyen (U.S. Pat. No. 7,263,146, hereinafter Van Rooyen). However, Applicants respectfully submit that these claims are patentable over Matero and Van Rooyen for the reasons provided below.

### Independent Claim 1

Claim 1 recites a receiver “arranged to simultaneously receive at least a first (S1) radio frequency signal having a first frequency band (1) and a second radio frequency signal (S3) having a second frequency band (3) that is at least partly overlapping the first frequency band (1)” (emphasis added).

In contrast, the combination of cited references does not teach simultaneously receiving first and second RF signals of first and second frequency bands, in which the second frequency band at least partially overlaps the first frequency band, as recited in the claim. The Office Action relies on Matero as purportedly teaching the indicated limitation. However, Matero does not teach simultaneously receiving first and second RF signals, in which the second frequency band at least partially overlaps the first frequency band. Additionally, the Office Action does not assert that Van Rooyen might teach the indicated limitation.

As explained in Applicants’ previous response, Matero generally describes a dual band wireless user terminal such as a cellular telephone. Matero, col. 1, line 66, through col. 2, line 3. The dual band terminal includes a dual band transceiver with a dual band receiver and a dual band transmitter. Matero, col. 2, lines 13-27. The dual band receiver receives radio frequency (RF) signals in a first frequency band and in a second, higher frequency band. Matero, col. 2, lines 22-24. Similarly, the dual band transmitter transmits radio frequency (RF) signals in a first frequency band and in a second, higher frequency band. Matero, col. 2, lines 24-26.

Matero specifically identifies the first and second frequency bands. Matero states that the first frequency band includes frequencies in the ranges of 890-915 MHz and 935-960 MHz or, alternatively, in the ranges of 829-849 MHz and 869-894 MHz. Matero, col. 2, lines 64-67. The second frequency band includes frequencies in the ranges of 1710-1785 MHz and 1805-1880 MHz or, alternatively, in the ranges of 1850-1910 MHz and 1930-1990 MHz. The following table summarizes the possible frequencies described in Matero.

	Frequency Range (MHz)	
	<u>First Embodiment</u>	<u>Second Embodiment</u>
First Frequency Band	890-915	829-849
	935-960	869-894
Second Frequency Band	1710-1785	1850-1910
	1805-1880	1930-1990

In light of the actual teachings of Matero, it can be seen that Matero does not teach simultaneously receiving first and second RF signals of first and second frequency bands, in which the second frequency band at least partially overlaps the first frequency band. To the extent that Matero teaches receiving first and second RF signals in first and second frequency bands, the first and second frequency bands do not overlap. Additionally, even though some of the frequencies within different embodiments of the same frequency band might overlap, Matero does not teach simultaneously receiving the first and second embodiments of the same frequency band, so the overlapping frequencies of the same frequency band cannot be construed as first and second frequencies of different frequency bands.

1. The second frequency band of Matero does not overlap with the first frequency band.

The first and second frequency bands described in Matero do not overlap. More specifically, the listed frequencies of the second frequency band do not overlap with the listed frequencies of the first frequency band. While the frequencies of the second frequency band are generally in the 1.7-2.0 GHz range, the frequencies of the first frequency band are generally in the 800-900 MHz range. These general frequency ranges are applicable to all of the frequencies listed in both the first and second embodiments described in Matero. Thus, none of the frequencies of the first frequency band are in the 1.7-2.0 GHz range. Similarly, none of the frequencies of the second frequency band are in the 800-900 MHz range.

Consequently, the frequencies of the first and second frequency bands are separated by a gap of approximately 1000 MHz (or 1 GHz). In fact, the lowest frequency

(i.e., 1710 MHz) of the second frequency band is separated from the highest frequency (i.e., 960 MHz) of the first frequency band by a frequency gap of 750 MHz (or 0.75 GHz). This separation between the frequencies of the first and second frequency bands, as identified in Matero, illustrates that there is no overlap between the frequencies of the first and second frequency bands.

Therefore, in reference to the first and second frequency bands actually taught in Matero, Matero does not teach the second frequency band (about 1.7-2.0 GHz) at least partially overlapping the first frequency band (about 800-900 MHz). Accordingly, Matero does not teach all of the limitations of the claim because Matero does not teach the second frequency band at least partially overlapping the first frequency band, as recited in the claims of the present application.

2. Matero does not teach simultaneously receiving the first and second embodiments of the same frequency band.

Matero also fails to teach simultaneously receiving frequencies from the different embodiments of a single frequency band. Thus, to the extent that some of the frequencies from different embodiments of the same frequency band might overlap, the teachings of Matero are nevertheless insufficient to teach overlapping frequencies of different frequency bands because the frequencies of different embodiments of the same frequency band are not in different frequency bands.

The arguments presented in the Office Action in support of the rejections of the claims appear to recognize that the frequencies of the first and second frequency bands do not overlap, because the Office Action relies on overlapping frequencies of the same frequency band. In particular, the Office Action states that the frequencies 890-915 MHz partially overlap with the frequencies 829-849 MHz (this appears to inadvertently refer to the wrong frequencies—the frequencies 869-894 MHz should probably be referenced instead, because the frequencies 829-849 MHz do not overlap with the frequencies 890-915 MHz). Also, the Office Action states that the frequencies 1805-1880 MHz partially overlap with the frequencies 1850-1910 MHz.

However, even though some of the frequencies within the first embodiment (i.e., 890-915 MHz) and the second embodiment (i.e., 869-894 MHz) of the first frequency

band might overlap, Matero does not teach simultaneously receiving the frequencies of the first and second embodiments of the first frequency band. In other words, Matero does not describe simultaneously receiving frequencies in the range of 890-915 MHz at the same time as frequencies in the range of 869-894 MHz. So the overlapping frequencies of the first and second embodiments of the first frequency band described in Matero cannot be construed as first and second frequencies of different frequency bands, within the context of the claims of the present application.

Similarly, even though some of the frequencies within the first embodiment (i.e., 1805-1880 MHz) and the second embodiment (i.e., 1850-1910 MHz) of the second frequency band might overlap, Matero does not teach simultaneously receiving the frequencies of the first and second embodiments of the second frequency band. In other words, Matero does not describe simultaneously receiving frequencies in the range of 1805-1880 MHz at the same time as frequencies in the range of 1850-1910 MHz. So the overlapping frequencies of the first and second embodiments of the second frequency band described in Matero cannot be construed as first and second frequencies of different frequency bands, within the context of the claims of the present application.

Thus, although some of the frequencies in the first and second embodiments of the first frequency band overlap, and some of the frequencies in the first and second embodiments of the second frequency band overlap, none of the frequencies in the second frequency band overlap with the frequencies in the first frequency band. Moreover, Matero does not describe simultaneously receiving overlapping frequencies from the first and second embodiments of the first frequency band. Further, Matero does not describe simultaneously receiving overlapping frequencies from the first and second embodiments of the second frequency band. Consequently, the Office Action's reliance on the overlapping embodiments of a single frequency band is improper because the indicated frequency ranges are merely different embodiments of the same frequency band. But the frequencies for the same frequency band are not described as being simultaneously received. Rather, as explained above, Matero merely teaches transmitting and receiving in dual frequency bands, where one signal is in the first frequency band, and the other signal is in the second higher frequency band. Hence, the description of overlapping frequencies from different embodiments of the same frequency band is

insufficient to teach overlapping frequencies within different frequency bands that are simultaneously received by the dual band wireless user terminal described in Matero.

For the reasons presented above, the combination of Matero and Van Rooyen does not teach all of the limitations of the claim because Matero does not teach simultaneously receiving first and second RF signals of first and second frequency bands, in which the second frequency band at least partially overlaps the first frequency band, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over the combination of Matero and Van Rooyen because the combination of Matero and Van Rooyen does not teach all of the limitations of the claim.

#### Independent Claims 4, 7, 9, and 10

Applicants respectfully assert independent claims 4, 7, 9, and 10 are patentable over the proposed combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. Each of claims 4, 7, 9, and 10 recites subject matter which is similar to the subject matter of claim 1 discussed above. Although the language of these claims differs from the language of claim 1, and the scope of these claims should be interpreted independently of other claims, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of these claims.

#### Dependent Claims

Claims 2, 3, 5, 6, and 8 depend from and incorporate all of the limitations of the corresponding independent claims 1, 4, and 7. Applicants respectfully assert claims 2, 3, 5, 6, and 8 are allowable based on allowable base claims. Additionally, each of claims 2, 3, 5, 6, and 8 may be allowable for further reasons.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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